

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 29 and 31 are currently amended, and claims 1-28, 30, and 32-42 are requested to be cancelled. Upon entry of this response, therefore, claims 29 and 31 will be pending.

1. Priority

The Examiner required an English translation to the certified priority document. See Office Action, page 2. Applicants hereby submit an English translation and statement of accuracy pursuant to 37 CFR § 1.55.

2. Oath/Declaration

The Examiner required a new oath or declaration because the previous declaration did not identify the application to which it is directed. See Office Action, page 3. Applicants hereby submit a new declaration in compliance with 27 C.F.R. § 1.497(a).

3. The Claims Are Definite

The Examiner rejected claims 11-14 and 25-28 under 35 U.S.C. 112, second paragraph, for alleged indefiniteness. See Office Action, pages 3-5. Because these claims have been cancelled, Applicants respectfully submit that the rejection is rendered moot.

4. The Claims Are Not Anticipated Or Obvious

The Examiner rejected claims 1 and 2 under 35 U.S.C. 102(b) as being anticipated by Mujacic *et al.*, *Gene* (1999). See Office Action, pages 5 and 6. The Examiner also rejected claims 1-3 under 35 U.S.C. 102(b) for anticipation by Tutino *et al.*, *Extremophiles* (2001). See Office Action, page 6. The Examiner also rejected claims 1-3, 19, and 21 under 35 U.S.C. 102(e) over Pelzer *et al.*, U.S. 6,566,110, in light of Whyte *et al.*, *Appl. Environ. Microbiol.* (1998) and Chiu *et al.*, *J. Biol. Chem.* (1999). See Office Action, pages 6-8. Furthermore, the Examiner rejected claim 19 under 35 U.S.C. 102(b) over Hashimoto *et al.*, *J. Gen. Microbiol.* (1992). See Office Action, page 8. Cancellation of the rejected claims renders the rejections moot. Moreover, none of the references teaches or suggests the pTip-LNH1 vector, as presently recited. Applicants therefore respectfully submit that the claims as amended are not anticipated by the cited prior art.

The Examiner also rejected claims 1-3, 11-14, 19-21, and 25-28 under 35 U.S.C. 103(a) over De Mot *et al.*, *Microbiology* (1997) in view of each of Takano *et al.*, *Gene* (1995), Olins *et al.*, *Gene* (1988), Whyte *et al.* (1998), and Chiu *et al.* (1999). See Office Action, pages 9-11. Cancellation of the rejected claims renders the rejection moot. Moreover, none of the references teaches or suggests the pTip-LNH1 vector. Applicants therefore respectfully submit that the present claims not rendered obvious over the cited art.

CONCLUSION

Applicants submit that the present application is in condition for allowance, and they request an early indication to this effect. Examiner Popa is invited to contact the undersigned directly, should she feel that some issue warrants further consideration.

The Commissioner is hereby authorized to charge any additional fees, which may be required under 37 CFR §§ 1.16-1.17, and to credit any overpayment to Deposit Account No. 19-0741. Should no proper payment accompany this response, then the Commissioner is authorized to charge the unpaid amount to the same deposit account. If any extension is needed for timely acceptance of submitted papers, Applicants hereby petition for such extension under 37 CFR §1.136 and authorize payment of the relevant fee(s) from the deposit account.

Respectfully submitted,

Date 28 January 2000

By S.A. Bent

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5404
Facsimile: (202) 672-5399

Stephen A. Bent
Attorney for Applicant
Registration No. 29,768